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**MEMO ENDORSED**

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July 27, 2023

By ECF

Hon. Valerie E. Caproni  
United States District Court  
40 Foley Square  
New York, NY 10007

Re: Biggs v. MetroPlusHealth Plan, et al.  
22 Civ. 10939 (VEC)  
Nunc Pro Tunc Request to File amended Complaint One Day Late

Dear Judge Caproni:

Plaintiffs were either to file their Amended Complaint or Respond to the Motion to Dismiss by yesterday, July 26, 2023.

I spent much of the day in Court and with clients on July 26 on a Preliminary Injunction applications, one of which involved the closing of a womens' shelter, and I could not file our Amended Complaint.

I have now filed the Amended Complaint, as request permission, nunc pro tunc, to do that one day late.

Defendant has consented.

Thank you for your consideration.

Very truly yours,

/s/ *Arthur Z. Schwartz*

Arthur Z. Schwartz

cc: All Counsel of Record (by ECF)

Application DENIED without prejudice. Per the Undersigned's Individual Practices, requests for extensions of time or adjournments of deadlines must indicate whether the opposing party consents to the request.

By no later than **July 31, 2023**, Plaintiff must either file a letter on ECF indicating whether Defendants consent to treating the Amended Complaint as timely filed, or, if Defendants do not consent, make a proper motion for leave to amend pursuant to the Undersigned's Individual Practices.

If Defendants consent, Defendants' deadline to respond to the Amended Complaint is **August 21, 2023**.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni".

Date: 7/28/2023

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE